



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,570	01/25/2001	Tsutomu Yamazaki	011350.266	3577
21839	7590	11/21/2005	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			CHANKONG, DOHM	
		ART UNIT	PAPER NUMBER	
		2152		

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/768,570	YAMAZAKI, TSUTOMU
	Examiner Dohm Chankong	Art Unit 2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

- 1> This action is in response to Applicant's remarks. Claims 1-21 are presented for further examination.
- 2> This is a final rejection.

Response to Arguments

- 3> Applicant's arguments have been fully considered but they are not persuasive. In regards to claim 1, Applicant is arguing in substance that the Fischer and Yacoub references in combination do not disclose the claimed limitations. Specifically, Applicant asserts:

A combination of Fischer and Yacoub would merely suggest determining an asset's location based upon the highest usage number by a user as taught by Fischer while determining how important distance to a printer is compared to speed/quality as taught by Yacoub. Thus, nothing in the combination of the references shows, teaches or suggests a) compensating distance information as claimed in claims 1 and 8 and b) compensating the distance information according to the number of times each printer received a printing job as claimed in claims 1 and 8.

Examiner disagrees. As detailed in the previous action, Fischer discloses storing *location* information for each printer and compensating the *location* information with the number of times each printer receives a printing job. This functionality is evident in Fischer's location calculation step based on the printer usage history [column 7 «lines 33-40»]. Fischer discloses that his invention is also directed towards tracking the printer locations which is achieved by continuously updating the printer location through printer usage [column 8 «lines 51-54»]. Thus, Fischer discloses a method for storing location information and then dynamically calculating a printer's location and refining these calculations [i.e., compensating] based on

how often a printer is used [column 6 «lines 23-26»]. Fischer, however, was silent on storing the *distance* information between the computer and printers and compensating the *distance* information based on the printer usage.

Yacoub was thus introduced to teach that distance information is easily calculated based on the location of the printer and the computer. It would have been obvious to modify Fischer's location algorithm with Yacoub's distance algorithm because of the improvements and benefits that knowledge of printer distance provides. Namely, knowing the distance between printer and computer enables prioritization capability and informs a user of the closest possible printer, instead of merely its location [see Yacoub, column 3 «line 63» to column 4 «line 3» | column 6 «lines 46-56»].

Therefore, the combination of Fischer and Yacoub disclose the claimed limitations of claim 1.

4> In regards to claim 6, Applicant is arguing in substance that Fischer, Yacoub and Kageyama do not disclose the claimed limitations. Applicant emphasizes that the references do not disclose setting up an order of priority based on compensated distances. Examiner disagrees.

As discussed previously, Fischer and Yacoub, in combination, disclose compensating the distance information between a printer and computer based on the printer usage but failed to disclose prioritizing the printers based on the calculated distances. Kageyama supplements the combination by teaching that printers can be prioritized by distance of the printers. What is contemplated is Fischer and Yacoub's teaching of compensated distance

information combined with Kageyama's teaching of distance prioritization. Thus, the combination of Fischer, Yacoub and Kageyama disclose the claimed limitations of claim 6.

5> In regards to claims 4 and 5, Applicant is arguing in substance the combination of Kageyama and Fischer do not disclose (a) setting up an order of priority based on distance and usage frequency and (b) automatically selecting a printer. In regards to (a), Kageyama discloses ordering the printers based on distance [column 29 «lines 15-24»]. Kageyama was silent on utilizing usage frequency as an ordering parameter. However, Fischer discloses utilizing usage frequency for the fact that monitoring of the frequency enables a system to better determine which printers are most convenient for users. Thus, Fischer's usage frequency could be incorporate into Kageyama as a ordering parameter to enable his system to better determine which printers would be most convenient.

As to (b), Kageyama discloses automatically selecting printers [column 10 «lines 9-16»].

6> As to claim 9, Applicant's remarks are not persuasive.

Fischer discloses compensating printer location based on usage frequency [abstract | column 8 «lines 30-33 and 42-44» : "usage counter"]. Yacoub discloses printer location information includes distance information [column 6 «lines 19-24»]. Therefore, the combination of Fischer's compensation of a printer location with Yacoub's teaching that printer location information includes the distance of the printer from various clients disclose the compensating distance information based on the usage frequency.

Additionally, Yacoub discloses compensating a physical distance from one piece of information equipment to another piece of information equipment based on position information [column 5 «line 64» to column 6 «line 15»]. As stated in the action, Yacoub does not disclose utilizing usage frequency between the two equipment. And as discussed previously, Fischer discloses utilizing user information, including usage frequency. Consequently, Fischer was used to teach the benefits of utilizing usage frequency in determining an appropriate printer. Clearly, one of ordinary skill in the art could have combined Fisher's usage frequency functionality with Yacoub's physical distance compensation so as to enable the use of the usage frequency in the calculation of the distance.

7> Examiner maintains all rejections set forth in the previous action, dated 5.27.2005.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER